

Barat M. LaPorte, ABA#9511064
Oles Morrison Rinker & Baker LLP
601 West Fifth Avenue, Suite 900
Anchorage, Alaska 99501-2154
Tel: (907) 258-0106
Fax: (907) 258-5519
Email: laporte@oles.com

Attorneys for Defendants XTO Energy Inc. and Scott Griffith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PATHFINDER AVIATION, INC.,

Case No. 3:15-cv-00200-HRH

Plaintiff,

v.

XTO ENERGY INC. and
SCOTT GRIFFITH,

**DEFENDANTS' MOTION
TO DISMISS CERTAIN
COUNTS PURSUANT TO
FRCP 12(b)(6) AND TO
STRIKE PRAYER FOR
PUNITIVE DAMAGES**

Defendants.

Defendants XTO Energy, Inc. and Scott Griffith, by and through their undersigned counsel of record, hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the following causes of action brought by Plaintiff Pathfinder Aviation, Inc.:

- As against Defendant Scott Griffith, dismissal of all Plaintiff's contract-based claims including, Count I (Breach of Contract), Count II (Breach of Quasi-Contract), and Count III (Promissory Estoppel).
- As against both Defendants XTO Energy, Inc. and Scott Griffith, dismissal of Count IV (Breach of Covenants of Good Faith and Fair

Dealing), Count V (Misrepresentation) and Count VI (Violation of Unfair Trade Practices Act).

Defendants further move to strike Plaintiff's prayer for punitive damages because there are no viable claims for which punitive damages are available.

Defendants' motion is supported by the memorandum filed herewith.

Respectfully submitted this 20th day of November, 2015 at Anchorage, Alaska.

OLES MORRISON RINKER & BAKER LLP

By: s/Barat M. LaPorte

Barat M. LaPorte, ABA No. 9511064

*Attorneys for Defendants XTO Energy Inc.
and Scott Griffith*

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2015, a copy of the foregoing document was served electronically on the following:

David K. Gross
Mara E. Michaletz

OLES MORRISON RINKER & BAKER LLP

s/Barat M. LaPorte

4817-2651-2427, v. 1

OLES MORRISON RINKER & BAKER LLP
601 West Fifth Avenue, Suite 900
Anchorage, Alaska 99501-2154
Tel: (907) 258-0106 Fax: (907) 258-5519

*Defendants' Motion to Dismiss Certain
Counts Pursuant to FRCP12(b)(6) and to
Strike Prayer for Punitive Damages*
Page 2 of 2

*Pathfinder Aviation, Inc. v.
XTO Energy Inc., et al.*
Case No. 3:15-cv-00200-HRH